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| EXAMINER | |
|---|---|
| SAFAVI, MICHAEL | |

| ART UNIT | PAPER NUMBER |
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| 3637 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/580,191 | ENGSTROM, NILS-ERIK | |
| | Examiner | Art Unit | |
| | MICHAEL SAFAVI | 3637 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *12 July 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-7 and 10-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 10-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 July 2010* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 2-4, 6, 7, and 10-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.** The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not appear clear and complete as to a second upper side groove along the second edge.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 2-4, 6, 7, and 10-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**Claim 2** appears vague and indefinite in that it is not clear as to what is being defined by "and the second edge comprises a second upper side groove". The specification does not appear to set forth more than one side groove along the second edge. Line 3 of claim 2 presents "a first, and a second, snapping tongues". Are there a plurality of first snapping tongues and a plurality of second snapping tongues? Further,

lines 4-5 recite "the joining profile being so configured so as to allow each of the first and second snapping tongues to be fitted into the first and second upper side grooves of the two, joined, adjacent panels." It is not clear as to how the first snapping tongue is fitted into both the first and second upper grooves nor how the second snapping tongue is fitted into both the first and second upper grooves. The specification does not appear to set forth such an arrangement. Further, are any of the first and second snapping tongues the same as "the at least one tongue" introduced within line 4 of claim 1? What otherwise, would be the relationship between "the at least one tongue" introduced within line 4 of claim 1 and "a first, and a second, snapping tongues" presented within line 3 of claim 2?

**Claim 3** presents "mating surfaces". However, it is not clear as to what the relationship is between the "mating surfaces" presented in claim 3 and "a first edge and a second edge" introduced within claim 1. Claim 3 otherwise, appears to be referring to the same structure by differing terminology which renders the language of claim 3 vague and indefinite.

**Claim 7** appears vague and indefinite in that it is not clear as to what is being defined by "wherein a portion of a panel arranged between the upper side groove and the panel's respective distal edge portion comprises a recess." What for example, is being defined by "a panel"? Is this the same as either of the panels introduced within claim 1? If so, it is not clear as to how such a panel is arranged "between the upper side groove and the panel's respective distal edge portion" nor how such a panel "comprises a recess". Line 2, to which upper side groove does "the upper side groove" refer? Line

2, "the panel's respective distal edge portion" lacks antecedent basis within the claim. It is therefore, not clear as to what "the panel's respective distal edge portion" refers.

**Claim 10**, lines 1-2, "the first groove edge surface" lacks antecedent basis within the claim. It is therefore, not clear as to what "the first groove edge surface" refers. The language within lines 2-3 renders claim 10 vague and indefinite in that it is not clear as to what is being defined by "when two adjacent panels are forced together". Claim 1 introduces two panels. Are either of the "two adjacent panels" recited in line 2 of claim 10 the same as either of the "two panels" set forth in claim 1? What otherwise, is the relationship between the "two panels" set forth in claim 1 and the "two adjacent panels" recited in line 2 of claim 10?

**Claim 11** appears vague and indefinite in that it is not clear as to what is being defined by "wherein a portion of a panel arranged between the upper side groove and the panel's respective distal edge portion comprises a recess." What for example, is being defined by "a panel"? Is this the same as either of the panels introduced within claim 1? If so, it is not clear as to how such a panel is arranged "between the upper side groove and the panel's respective distal edge portion" nor how such a panel "comprises a recess". Line 2, to which upper side groove does "the upper side groove" refer? Line 2, "the panel's respective distal edge portion" lacks antecedent basis within the claim. It is therefore, not clear as to what "the panel's respective distal edge portion" refers.

**Claim 12**, line 1, to which upper side groove does "the upper side groove" refer? Line 3, the recitation of "the distance being so configured that the snapping tongue may be pressed in between the first and second groove edge surfaces" is vague, indefinite,

and confusing as not being clear. How can a distance be "configured"? Line 4, to which snapping tongue does "the snapping tongue" refer?

**Claim 13**, line 2, to which snapping tongue does "the snapping tongue" refer? Lines 1-2, the recitation of "the first and second groove edge surfaces are arranged so that an undercut is present" is vague, indefinite, and confusing as not being clear. Since no undercut is labeled in the drawings, the examiner does not understand what structure represents the undercut. Lines 2-4, the recitation of "that the snapping tongue of the joining profile is configured with respect to the undercut so that a snap action locking effect is achieved" is vague, indefinite, and confusing as not being clear. How is the snapping tongue of the joining profile configured with respect to the undercut? How is a snap action locking effect achieved (i.e., what structure allows for this)?

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-7, and 10-13 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent Publication No. 2003/0024199 to Pervan et al.**

**As to claim 1**, Pervan et al. discloses, Figs. 8c, 10b, 15c and 17c, a joint between two panels, the joint comprising

a first edge (right edge of tile 1 in Figs. 8c, 10b, 15c and 17c) and

a second edge (left edge of tile 1' in Figs. 8c, 10b, 15c and 17c)

whereby the first edge comprises a groove (9) and the second edge is provided with a tongue (10)

wherein the second edge further comprises an upper side groove (within which 55 sits), and

a joining profile (55) the joining profile comprises an elastic material and is provided with a tongue (can be seen as extension in 55 particularly, in Figs. 8c, 10b, 15c and 17c) and an intermediate section (any middle of 55) however, where lead line of 54 touches for example, in Figs. 10b and 17c or where lead line of 55 touches in Fig. 15c or 15d), the joining profile (55) being so configured so as to allow it to be located in the upper portion of the joint between two, joined, adjacent panels (1, 1').

**As to claim 2** (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), Pervan et al. discloses the joint of claim 1 as discussed above, and Pervan et al. also discloses that the first edge further comprises an upper side groove (where lead line of 56 touches in 15c for example) and the second edge comprises a second upper side groove (adjacent where lead line of 41 touches in Fig. 15c) and the joining profile (55) comprises a first, and second, snapping

tongues (either end of 55 or where lead line 54 touches and where lead line 41 touches respectively, in Fig. 15d), the joining profile (55) being so configured so as to allow each of the first and second snapping tongue to be fitted into the first and second upper side grooves (where lead line of 56 touches and adjacent where lead line of 41 touches respectively, in Fig. 15c) of the two, joined, adjacent panels (10, 10).

**As to claims 3 and 4** (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), Pervan et al. discloses the joint of claim 2 as discussed above, and Pervan et al. also discloses that the joint further comprises mating surfaces (surfaces of first and second edges), wherein the joining profile (55) and the upper side grooves (where lead line of 56 touches and adjacent where lead line of 41 touches respectively, in Fig. 15c) are so configured that a play in the range of 0.05-1mm is created in the joint between the mating surfaces, (paragraph [0191].

**As to claim 5**, Pervan et al. discloses the joint of claim 1 as discussed above, and Pervan et al. also discloses that the tongue (10) and the groove (9) are configured to limit the movement in a vertical direction between two adjacent panels (1, 1').

**As to claim 6** (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), Pervan et al. discloses the joint of claim 2 as discussed above, and Pervan et al. also discloses that the joining profile (55) and the upper side grooves (where lead line of 56 touches and adjacent where lead line of 41 touches respectively, in Fig. 15c) are configured to limit the movement in horizontal direction between two adjacent panels (1, 1').

**As to claim 7** (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), Pervan et al. discloses the joint of claim 2 as discussed above, and Pervan et al. also discloses that a portion arranged between the upper side groove (either of where lead line of 56 touches and adjacent where lead line of 41 touches respectively, in Fig. 15c) and its respective distal edge portion comprises a recess (15).

**As to claim 10** (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), Pervan et al. discloses the joint of claim 2 as discussed above, and Pervan et al. also discloses that the first groove edge surface (where lead line of 56 touches in Fig. 10b) will create a pressure on an outer edge of the joining profile (55) when two adjacent panels (1, 1') are forced together, the pressure causing the intermediate section (middle of 55 where for example, lead line of 54 touches in Fig. 10b) to be urged downwards.

**As to claim 11** (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), Pervan et al. discloses the joint of claim 10 as discussed above, and Pervan et al. also discloses that a portion arranged between the upper side groove (either of where lead line of 56 touches and adjacent where lead line of 41 touches respectively, in Fig. 15c) and is respective distal edge portion comprises a recess (53a or 53b), the recess (53a or 53b) being adapted to receive the lower portion of the intermediate section (middle of 55 where for example, lead line of 54 touches in Fig. 10b) when being urged downwards.

**As to claim 12** (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), Pervan et al. discloses the joint of claim 2 as discussed above, and Pervan et al. also discloses that the upper side groove (either of where lead line of 56 touches and adjacent where lead line of 41 touches respectively, in Fig. 15c) is provided with a first groove edge surface (slanting surface of 1') and a second groove edge surface (vertical surface of 1'), and between the first and second groove edge surfaces a predetermined distance is present, the distance being so configured that the snapping tongue (where lead line 41 touches in Fig. 15d) may be pressed in between the first and second groove edge surface.

**As to claim 13** (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), Pervan et al. discloses the joint of claim 12 as discussed above, and Pervan et al. also discloses that the first and second groove edge surfaces are arranged so that an undercut is present, ( as can be seen from the slanting and vertical surfaces of 1') that the snapping tongue (where lead line 41 touches in Fig. 15d) of the joining profile (55) is configured with respect to the undercut so that a snap action locking effect is achieved.

***Response to Arguments***

Applicant's arguments with respect to claims 1-7 and 10-13 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL SAFAVI whose telephone number is (571)272-7046. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell Jayne can be reached on (571) 272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Safavi/
Primary Examiner, Art Unit 3637

M. Safavi
September 26, 2010